

Message Text

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TO SECSTATE WASHDC PRIORITY 2465

INFO USMISSION USUN NY

DEPT HEW WASHDC

DEPT JUSTICE WASHDC

UNCLAS SECTION 1 OF 2 GENEVA 7370

DEPT PASS LABOR FOR STONE

JUSTICE FOR EASTWOOD

HEW FOR WYATT

E.O. 11652: NA

TAGS: ECOSOC USCSW

SUBJECT: 26TH SESSION UN COMMISSION ON STATUS OF WOMEN-
STATUS NEGOTIATIONS ON DRAFT CONVENTIONS ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN-ARTICLES 1-9B

1. UN COMMISSION ON STATUS OF WOMEN HAS COMPLETED PRELIMINARY
WORK IN PLENARY ON ARTICLES 1 THROUGH 9B. FOLLOWING SUMMARY
FOR DEPT, HEW, LABOR AND JUSTICE USE IN PROVIDING COMMENT
AND/OR GUIDANCE FOR USE IN FINAL PLENARY REVIEW OF DRAFT
CONVENTION.

2. DEFINITION OF DISCRIMINATION IS STILL PENDING. SUGGEST
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ADDITIONAL PARAGRAPHS (A) AND (B) TO ARTICAL 1 FOR

CLARIFICATION. WOULD ELIMINATE OBJECTIONS TO ITEMS REFERRING ONLY TO WOMEN. RESENTMENT BUILDING OVER CONTINUED OBJECTIONS TO MAKE PROVISION APPLY TO BOTH SEXES. SUCCEEDED IN ELIMINATING LAST PORTION OF ORIGINAL ARTICLE 5 WHICH WOULD HAVE INVOLVED PROBLEMS IN LATER ARTICLES. SUBSTITUTE CHANGES FOCUS. ALTERNATIVE ARTICLE 9 (A) AND (B) ADOPTED WITH SMALL MODIFICATION BECAUSE THEY APPEAR IN PRIOR CONVENTION. VOTE IN FAVOR WAS VERY SMALL AND BELIEVE ARTICLE MAY BE DELETED BY ECOSOC. ARTICLE 9 ALTERNATIVE 3 ADOPTED OVER OBJECTION.

EXPECT PROBLEM WITH ARTICLE 11 ALTHOUGH PREPARED ALTERNATIVE TEXT WITH SUGGESTED 3 ADDITIONAL PARAGRAPHS. ALSO PREPARED PARAGRAPH RE AFFIRMATIVE ACTION TO TAKE PLACE OF ARTICLE 4. DO NOT BELIEVE THEY WOULD JUST DELETE PARAGRAPH.

3. CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

PREAMBLE - TO BE WORKED ON AFTER ARTICLES

GENERAL PROVISIONS:

ARTICLE 1- DEFERRED- NO AGREEMENT COULD BE REACHED WOULD SUGGEST THAT IF ALTERNATE COULD BE ADOPTED, TWO ADDITIONAL PARAGRAPHS BE ADDED:

(A) SINCE IT IS THE INTENT OF THIS CONVENTION THAT EQUALITY OF RIGHTS OF MEN AND WOMEN BE ACHIEVED, THE PROVISIONS OF THIS CONVENTION SHALL NOT BE APPLIED TO DISCRIMINATE AGAINST MEN.

(B) NOTHING IN THIS CONVENTION SHALL INTERFERE WITH OR IN ANY WAY LIMIT AN INDIVIDUAL'S RIGHT TO PRIVACY.

4. ARTICLE 2 (DRAFT SUBMITTED BY BELGIUM-E/CN.6/591/ADD.1)
"STATES PARTIES CONDEMN DISCRIMINATION AGAINST WOMEN AND UNDERTAKE TO PURSUE BY ALL APPROPRIATE MEANS AND WITHOUT DELAY A POLICY OF ELIMINATING DISCRIMINATION AGAINST WOMEN AND TO THIS END:
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"(A) EACH STATE PARTY UNDERTAKES TO EMBODY THE PRINCIPLE OF THE EQUALITY OF MEN AND WOMEN IN ITS NATIONAL CONSTITUTION, IF NOT YET INCORPORATED, AND TO ENSURE THROUGH LAW OR OTHER APPROPRIATE MEANS THE PRACTICAL REALIZATION OF THIS PRINCIPLE;

"(B) EACH STATE PARTY UNDERTAKES TO ADOPT LEGISLATIVE AND/OR ALL OTHER APPROPRIATE MEASURES

MEASURES/ACCOMPANIED BY SANCTIONS PROHIBITING ALL DISCRIMINATION AGAINST WOMEN AND GUARANTEEING THE REALIZATION OF THE PRINCIPLE OF EQUALITY OF RIGHTS;

"(C) EACH STATE PARTY UNDERTAKES TO ESTABLISH LEGAL PROTECTION FOR EQUAL RIGHTS OF MEN AND WOMEN;

"(D) EACH STATE PARTY UNDERTAKES TO ENGAGE IN NO ACT OR PRACTICE OF DISCRIMINATION AGAINST WOMEN AND TO ENSURE THAT PUBLIC AUTHORITIES AND PUBLIC INSTITUTIONS SHALL ACT IN CONFORMITY WITH THIS OBLIGATION;

"(E) EACH STATE PARTY SHALL ENDEAVOR TO TAKE ALL PREVENTIVE MEASURES TO ELIMINATE DISCRIMINATION AGAINST WOMEN BY ANY PERSON OR ORGANIZATION;

"(F) EACH STATE PARTY SHALL TAKE ALL APPROPRIATE MEASURES, INCLUDING LEGISLATION TO MODIFY OR ABOLISH EXISTING LAWS, REGULATIONS, CUSTOMS AND PRACTICES WHICH ARE DISCRIMINATORY TO WOMEN;

"(G) EACH STATE PARTY SHALL ENDEAVOR TO PROMOTE ORGANIZATIONS AND MOVEMENTS WHOSE PURPOSE IS TO ADVANCE THE STATUS OF WOMEN AND ELIMINATE DISCRIMINATION AGAINST THEM."

5. ARTICLE 3 (ORIGINAL TEXT WITH CHANGES)

" STATES PARTIES SHALL UNDERTAKE IN ALL FIELDS AND IN PARTICULAR SOCIAL, ECONOMIC, CULTURAL, ALL APPROPRIATE MEASURES, INCLUDING LEGISLATIVE TO ENSURE THE FULL DEVELOPMENT AND ADVANCEMENT OF WOMEN, FOR THE PURPOSE OF GUARANTEEING THEM THE EXERCISE AND ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON A BASIS OF EQUALITY WITH MEN."

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6. ARTICLE 4 (DEFERRED).

7. ARTICLE 5 (MEXICO)

" STATES PARTIES SHALL TAKE ALL APPROPRIATE MEASURES, NOTABLY EDUCATIONAL, TO MODIFY THE SOCIAL AND CULTURAL PATTERNS OF BEHAVIOR OF MEN AND WOMEN WITH A VIEW OF ACHIEVING THE ELIMINATION OF PREJUDICES AND CUSTOMARY OR ALL OTHER PRACTICES WHICH ARE BASED ON THE IDEA OF THE INFERIORITY OR SUPERIORITY OF EITHER OF THE SEXES OR ON STEREOTYPE ROLES FOR MEN OR WOMEN."

(CUBA - AS AMENDED BY EGYPT)

"SUITABLE FAMILY EDUCATION, WHICH SHOULD INCLUDE A
PROPER UNDERSTANDING OF MOTHERHOOD AS A SOCIAL FUNCTION AND
THE RECOGNITION OF THE COMMON ROLES OF MEN AND WOMEN IN
BEARING RESPONSIBILITY FOR CHILDREN, SHOULD FIGURE PROMINENTLY
IN PLANS DRAWN UP FOR THIS PURPOSE."

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8. ARTICLE 6 (NO CHANGE)

"EACH STATE PARTY AGREES TO REPEAL ALL PROVISIONS OF
NATIONAL PENAL CODES WHICH CONSTITUTE DISCRIMINATION AGAINST
WOMEN."

9. ARTICLE 7 (NO CHANGE)

" EACH STATE PARTY AGREES TO TAKE ALL APPROPRIATE MEASURES,
INCLUDING LEGISLATION TO COMBAT ALL FORMS OF TRAFFIC IN WOMEN
AND EXPLOITATION OF PROSTITUTION OF WOMEN."

10. ARTICLE 8 (B AND D CHANGED)
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" STATES PARTIES SHALL UNDERTAKE ALL APPROPRIATE MEASURES
TO ENSURE TO WOMEN ON EQUAL TERMS WITH MEN, WITHOUT ANY
DISCRIMINATION, EQUAL OPPORTUNITIES TO PARTICIPATE IN THE
POLITICAL AND PUBLIC LIFE OF THE COUNTRY, AND IN PARTICULAR:

"(A) TO VOTE IN ALL ELECTIONS AND TO BE ELIGIBLE FOR
ELECTION TO ALL PUBLICLY ELECTED BODIES;

"(B) TO PARTICIPATE IN THE FORMULATION OF GOVERNMENT
POLICY AND THE ADMINISTRATION THEREOF AND TO HOLD PUBLIC
OFFICE AT ALL LEVELS;

"(C) TO VOTE IN ALL PUBLIC REFERENDA;

"(D) TO PARTICIPATE IN NON-GOVERNMENTAL ORGANIZATIONS
AND ASSOCIATIONS CONCERNED WITH THE PUBLIC AND POLITICAL LIFE
OF THE COUNTRY."

11. ARTICLE 9

"1. (ORIGINAL TEXT) STATES PARTIES SHALL GRANT SPOUSES
THE RIGHTS TO ACQUIRE, CHANGE OR RETAIN THEIR NATIONALITY AND
SHALL REQUIRE IN PARTICULAR, THAT NEITHER MARRIAGE TO, NOR
DISSOLUTION OF THE MARRIAGE FROM, AN ALIEN NOR THE CHANGE
OF NATIONALITY BY THE ALIEN SPOUSE DURING MARRIAGE SHALL
AUTOMATICALLY CHANGE THE NATIONALITY, RENDER THE SPOUSE
STATELESS OR FORCE UPON THE SPOUSE THE NATIONALITY TO THE
ALIEN SPOUSE."

"2. (ALTERNATIVE TEXT WITH CHANGES) EACH STATE PARTY
AGREES THAT:

"(A) (AMENDED BY FRANCE; 5 FOR; 2 VS;
16 ABSTAINED) THE ALIEN HUSBAND OR WIFE OF ONE OF ITS
NATIONALS MAY, AT HIS OR HER REQUEST, ACQUIRE THE NATIONALITY
OF HIS OR HER SPOUSE THROUGH SPECIALLY PRIVILEGED NATURALIZATION
PROCEDURES; THE GRANT OF SUCH NATIONALITY IS SUBJECTED TO
SUCH LIMITATIONS AS MAY BE IMPOSED IN THE INTERESTS OF
NATIONAL SECURITY, PUBLIC POLICY OR CERTAIN CRIMINAL OR
ADMINISTRATIVE PROVISIONS THAT HAVE BEEN TAKEN AGAINST
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THE APPLICANT.

"(B) (NO CHANGES - 13 FOR; 0 VS; 9 ABSTAINED)

THE PRESENT CONVENTION SHALL NOT BE CONSTRUED AS AFFECTING
ANY LEGISLATION OR JUDICIAL PRACTICE BY WHICH THE ALIEN
HUSBAND OR WIFE OF ONE OF ITS NATIONALS MAY, AT HIS/HER
REQUEST, ACQUIRE HIS/HER SPOUSE'S NATIONALITY AS A MATTER
OF RIGHT.

"3. (ALTERNATIVE TEXT-10 FOR; 3 VS; 9 ABSTAINED)

STATES PARTIES AGREE TO GRANT WOMEN EQUAL RIGHTS WITH MEN TO
TRANSMIT THEIR NATIONALITY TO THEIR CHILDREN."CATTO

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